



## COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

---

**COUNCIL MEMBERS**

Dennis Kennedy, Mayor  
Larry Carr, Mayor Pro Tempore  
Hedy L. Chang, Council Member  
Greg Sellers, Council Member  
Steve Tate, Council Member

**REDEVELOPMENT AGENCY**

Dennis Kennedy, Chair  
Hedy L. Chang, Vice-Chair  
Larry Carr, Agency Member  
Greg Sellers, Agency Member  
Steve Tate, Agency Member

---

**WEDNESDAY, DECEMBER 4, 2002**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL AND REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

**6:05 P.M.**

***A Special Meeting Is Called at 6:05 P.M. for the Purpose of  
Conducting Closed Sessions.***

---

**Dennis Kennedy, Mayor/Chairman**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**6:05 P.M.**

## ***City Council Action and Redevelopment Agency Action***

### **CLOSED SESSION:**

**1.**

#### **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant Exposure/Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 2

**2.**

#### **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Case Name: Drivers' Placement v. City of Morgan Hill

Case Number/Court: Santa Clara Superior Court Case No. CV788941

Attendees: City Manager, City Attorney, Special Counsel Dan Siegel, Public Works  
Director

**3.**

#### **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Legal Authority: Government Code Section 54965.9(a)

Case Name: Morgan Hill Unified School District v. Minter & Fahy

Case No.: Santa Clara County Superior Court, No. CV 772368

Attendees: City Council, City Manager, City Attorney, Mark Strombotne, Special Counsel

### **OPPORTUNITY FOR PUBLIC COMMENT**

### **ADJOURN TO CLOSED SESSION**

### **RECONVENE**

### **CLOSED SESSION ANNOUNCEMENT**

**7:00 P.M.**

### **SILENT INVOCATION**

### **PLEDGE OF ALLEGIANCE**

- 1) **NOVEMBER 5, 2002 GENERAL MUNICIPAL ELECTION - CERTIFIED STATEMENT OF ELECTION RESULTS** ..... 1  
**Recommended Action:** **Adopt** Resolution No. 5627 of the City Council of the City of Morgan Hill Reciting the Facts of the General Municipal Election of November 5, 2002.

### **OATHS OF OFFICE:**

**Mayor - Elect Dennis Kennedy**  
**Council Member -Elect Greg Sellers**  
**Council Member -Elect Steve Tate**  
(City Clerk Torrez)

- 2) **SELECTION OF CITY COUNCIL MAYOR PRO TEMPORE AND REDEVELOPMENT AGENCY VICE-CHAIR** ..... 3  
**Recommended Action(s):**

**City Council:**

1. **Open Floor** To Nomination(s) for Mayor Pro Tempore; and
2. **Select** Council Member to Serve as Mayor ProTempore per City Council Policy.

**Redevelopment Agency:**

1. **Open Floor** To Nomination(s) for Vice-Chair; and
2. **Select** Agency Member to Serve as Vice-Chair per Redevelopment Agency Bylaws.

**PRESENTATION**

Recognition Plaque to the City of Morgan Hill re: Croy Fire  
Steve Woodill  
California Department of Forestry

**ANNOUNCEMENTS**

Morgan Hill Community and Cultural Center Grand Opening Events  
Council Members Sellers & Tate

**CITY COUNCIL REPORT**

Council Member Chang

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

Library Project Bond Results  
Council Member Tate

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE DEPUTY CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY  
CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## City Council Action

### CONSENT CALENDAR:

**ITEMS 3 - 10** The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
3)	<b><u>ANNUAL REPORT ON ADVANCED LIFE SUPPORT SERVICES</u></b> ..... 7 <b><u>Recommended Action(s):</u></b> <b><u>Accept</u></b> Report from Santa Clara County Fire Department for Advanced Life Support (ALS) Services From July 2001 to August 2002.	
4)	<b><u>AMENDMENT TO LEASE WITH GAVILAN COMMUNITY COLLEGE</u></b> ..... 11 <b><u>Recommended Action(s):</u></b> 1. <b><u>Authorize</u></b> the City Manager to do Everything Necessary to Prepare and Execute a Lease Amendment with Gavilan Community College; 2. <b><u>Appropriate</u></b> \$15,000 in the General Fund's Community and Cultural Center Budget and Increase Revenue Projections for the General Fund by \$15,000; and 3. <b><u>Authorize</u></b> the Addition of a One-Half Time (.5 FTE) Janitorial Position in the Community and Cultural Center Budget	
5)	<b><u>AWARD OF CONTRACT FOR DOWNTOWN TRANSIT CENTER AT-GRADE PEDESTRIAN CROSSING PROJECT</u></b> ..... 31 <b><u>Recommended Action(s):</u></b> 1. <b><u>Appropriate</u></b> \$45,600 From our Unappropriated Redevelopment Agency Fund Balance to Fully Fund This Project; and 2. <b><u>Award</u></b> Contract to McGuire and Hester for the Construction of the Downtown Transit Center At-Grade Pedestrian Crossing Project in the Amount of \$137,916.00.	
6)	<b><u>GENERAL PLAN IMPLEMENTATION REPORT FOR FISCAL YEAR 2001-2002.</u></b> ..... 35 <b><u>Recommended Action(s):</u></b> <b><u>Accept</u></b> Report by Minute Action.	
7)	<b><u>2002-2003 HAZARDOUS VEGETATION PROGRAM</u></b> ..... 55 <b><u>Recommended Action(s):</u></b> <b><u>Adopt</u></b> Resolution No. 5626 Declaring Weeds and Brush to be a Nuisance and Setting February 5, 2003 as the Date for the Public Hearing Regarding Weed Abatement; and June 4, 2003 as the Date for the Public Hearing Regarding Brush Abatement.	
8)	<b><u>ADOPT ORDINANCE NO. 1597, NEW SERIES.</u></b> ..... 59 <b><u>Recommended Action(s):</u></b> <b><u>Waive</u></b> the Reading, and <b><u>Adopt</u></b> Ordinance No. 1597, New Series, and <b><u>Declare</u></b> That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further Reading Waived; Title as follows: An Ordinance of the City Council of the City of Morgan Hill Approving an Amendment to Ordinance No. 1530, New Series, Amending the Development Agreement for Application MP 99-26: Malaguerra-Ansuini/Mancias to Incorporate a Five-month Extension of Time for Seven Building Allotments in Phase One and a Six-month Extension of Time for Six Building Allotments in Phase Two. (APN 728-35-016; 728-35-017)	
9)	<b><u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES FOR NOVEMBER 13, 2002</u></b> ..... 65	
10)	<b><u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES FOR NOVEMBER 13, 2002</u></b> ..... 67	

## City Council Action

### PUBLIC HEARINGS:

	Time Estimate		Page
11)	2 Minutes	<b><u>DEVELOPMENT AGREEMENT DA 02-10: E. DUNNE AVENUE-FIRST COMMUNITY HOUSING</u></b> .....	69
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.	
		Council Discussion.	
		Action- <u>Continue</u> Item to City Council Meeting of December 18, 2002.	
12)	2 Minutes	<b><u>DEVELOPMENT AGREEMENT AMENDMENT DAA 01-06: COCHRANE-COYOTE ESTATES</u></b> .....	71
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.	
		Council Discussion.	
		Action- <u>Continue</u> Item to City Council Meeting of December 18, 2002.	
13)	2 Minutes	<b><u>DEVELOPMENT AGREEMENT DA 02-07: SHAFER-BAMDAD</u></b> .....	73
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.	
		Council Discussion.	
		Action- <u>Continue</u> Item to City Council Meeting of December 18, 2002.	

## City Council Action

### OTHER BUSINESS:

	Time Estimate		Page
14)	5 Minutes	<b><u>WAIVER OF POTENTIAL CONFLICT OF INTEREST WITH STANDARD FUSEE CORPORATION</u></b> .....	75
		<b>Recommended Action(s):</b>	
		1. Council <b>Discretion</b> As to Whether to <b>Waive</b> Potential Conflict of Interest Between the City of Morgan Hill and Standard Fusee Corporation; and	
		2. <b>If Council Decides to Waive</b> the Conflict of Interest, <b>Authorize</b> the City Manager to Execute the Waiver of the Conflict of Interest.	
15)	5 Minutes	<b><u>MEXICAN AMERICAN COMMUNITY SERVICES AGENCY INC. (MACSA) REQUEST FOR FUNDING</u></b> .....	81
		<b>Recommended Action(s):</b> Council <b>Discussion</b> and <b>Direction</b> .	
16)	5 Minutes	<b><u>PROPOSED AMENDMENTS TO THE SANTA CLARA COUNTY CITIES ASSOCIATION BYLAWS</u></b> .....	89
		<b>Recommended Action(s):</b> <b>Review</b> and <b>Forward</b> Council Recommendation(s) Regarding Proposed Cities Association Bylaw Amendments.	
17)	10 Minutes	<b><u>REVIEW OF CITY COUNCIL COMMITTEES AND APPOINTMENTS TO OUTSIDE AGENCIES</u></b> .....	99

**Recommended Action(s):**

1. **Review** the Current List of Assignments and Appointments and Make Suggested Changes to the Mayor;
2. Mayor to **Appoint** Council Members to Serve on the Various Council Committees and Outside Agencies, Subject to City Council Approval; and
3. **Direct** the City Clerk to Notify the Appropriate Agencies of Amended Assignments.

## ***City Council and Redevelopment Agency Action***

**CONSENT CALENDAR:**

**ITEMS 18 - 19** The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**18) APPROVAL OF SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF NOVEMBER 20, 2002 . . . . . 123**

**19) APPROVAL OF SPECIAL CITY COUNCIL MEETING MINUTES OF NOVEMBER 13, 2002 . . . . . 157**

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**

**RECEPTION**

**For Incoming Council Members  
(Lobby)**